

REMARKS/ARGUMENTS

Claims 1-23 are pending. By this Amendment, claims 1-5, 7 and 11 are amended, and new claims 20-23 are presented. Support for the amendments to claims 1-5, 7 and 11 and new claims 20-23 can be found, for example, in original claims 1-5, 7 and 11. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Allowable Subject Matter

Applicant thanks the Examiner for the indication in the Office Action that claim 8 recites allowable subject matter.

Objection to the Claims

The Office Action objects to claims 2, 3, 7 and 11 as including informalities. By this Amendment, claims 2, 3, 7 and 11 are amended and new claims 20-23 are presented to obviate the objection. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1-7 and 9-19 under 35 U.S.C. §103(a) over U.S. Patent No. 5,656,560 to Stotzel et al. ("Stotzel") in view of U.S. Patent No. 6,475,626 to Stachowiak ("Stachowiak"). Applicant respectfully traverses the rejection.

Claim 1 recites "[a] gray soda-lime silicate glass composition, comprising the following coloring agents with contents varying within the following weight limits: Fe₂O₃ (total iron) 0.01 to 0.14%; CoO 40 to 150 ppm; and NiO 200 to 700 ppm; wherein: the NiO/CoO weight ratio is between 3.5 and 6; and the glass has an overall light transmission

(TL_{D65}) under illuminant D₆₅ of between 20 and 60% measured at a thickness of 6 mm" (emphasis added). Stotzel and Stachowiak do not disclose such a glass composition.

As indicated above, claim 1 requires a NiO/CoO weight ratio of between 3.5 and 6. While Stotzel discloses glasses including broad ranges of amounts of NiO and CoO that overlap the ranges of amounts of NiO and CoO in claim 1, there simply is no disclosure in Stotzel of using NiO and CoO in amounts that would result in the range of weight ratios recited in claim 1. Moreover, none of the glasses specifically disclosed in Stotzel (see Stotzel, Examples, column 3, line 61 to column 7, line 42) satisfy the weight ratio recited in claim 1.

Stotzel also does not *suggest* employing NiO and CoO in any particular weight ratio. As is well-settled, a particular parameter must first be recognized as a result-effective variable before the determination of workable ranges can be said to be an obvious variation. See, e.g., MPEP §2144.05.II.B (citing *In re Antonie*, 195 U.S.P.Q. 6 (C.C.P.A. 1977)). The Office Action fails to identify, in any of the cited references, recognition that the NiO/CoO weight ratio is a result-effective variable. Absent such recognition, one of ordinary skill in the art would not have had a reasonable expectation of success upon manipulating the NiO/CoO weight ratio in the glasses of Stotzel – one of ordinary skill in the art would not have been motivated to optimize the variable, as asserted by the Office Action.

By combining NiO and CoO in a weight ratio of between 3.5 and 6, it is possible to obtain a particular, desirable gray color that previously was only obtainable using undesirable colorants. See present specification, page 4, lines 8 to 10, page 5, lines 22 to 23. Particularly, by varying the NiO/CoO weight ratio, it is especially possible to adjust the b* value in the region corresponding to a blue shade, this shade proving to be particularly beneficial from the aesthetic appearance standpoint. See present specification, page 5, lines 26 to 26. As is

evident from examination of all of the Examples in Stotzel, Stotzel does not disclose or suggest a glass that satisfies the desired color profile.

Stachowiak does not remedy the deficiencies of Stotzel. Stachowiak is cited for its alleged disclosure of thermally toughening glass. *See* Office Action, page 3. However, Stachowiak, like Stotzel, fails to disclose or suggest a glass having a NiO/CoO weight ratio of between 3.5 and 6. Accordingly, the combination of references fails to disclose or suggest each and every feature of claim 1.

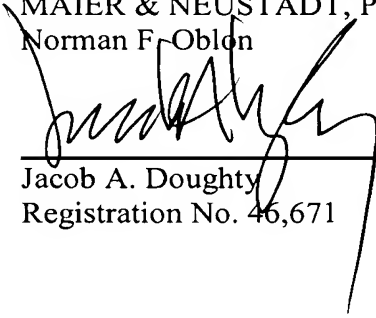
As explained, claim 1 would not have been rendered obvious by Stotzel and Stachowiak. Claims 2-7 and 9-19 depend from claim 1 and, thus, also would not have been rendered obvious by Stotzel and Stachowiak. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicant submits that claims 1-23 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Jacob A. Doughty
Registration No. 46,671

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)